

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE DELTA DENTAL ANTITRUST LITIGATION

**CIVIL ACTION NO.**

1:19-cv-06734

**DEFENDANTS' NOTICE OF RELATED CASE**

Pursuant to the Initial Case Management Order (“CMO”) entered by the Court on November 25, 2019 (Dkt. 95), Defendants, through their undersigned counsel, hereby submit this Notice of Related Case.

On February 3, 2020, the following case was filed in the U.S. District Court for the Northern District of Illinois: *Endodontics of New Mexico v. Delta Dental Insurance Co., et al.*, Case No. 1:20-cv-00798 (“*Endodontics*”). The plaintiffs in the *Endodontics* case are represented by Katrina Carroll of Carlson Lynch LLP and Eric Cramer, Patrick Madden, Richard Schwartz, and Joshua Ripley of Berger Montague PC. The case is currently assigned to Judge John Z. Lee. A true and correct copy of the Complaint is attached hereto as Exhibit A.

The *Endodontics* Complaint alleges substantially overlapping claims as those brought in the consolidated *In re Delta Dental* cases. Like the complaints that have been consolidated before this Court, the *Endodontics* Complaint alleges antitrust violations based on claims of “market allocation,” *see* Compl. (Ex. A) ¶¶ 79-94, and it purports to bring the case as a putative class action on behalf of “[a]ll Delta Dental Providers, not owned or employed by any of the Defendants, that provided dental goods or services to a Delta Dental insured pursuant to a Delta Dental insurance policy within the United States,” *id.* ¶ 112. Furthermore, the *Endodontics* Complaint names the same Defendants as the consolidated complaint.

Under the CMO, the consolidated complaint filed with this Court “shall serve as the operative class action complaint, and the Defendants shall not be required to answer or otherwise respond to any other class action complaint filed to date or transferred into this Court.” *See* CMO (Dkt. 95), ¶ 18. Accordingly, pursuant to the CMO, we hereby notify the Court and Plaintiffs of this related case and respectfully request the *Endodontics* Complaint to be consolidated with the instant action.

Dated: February 5, 2020

Respectfully submitted,

/s/ Kathy L. Osborn

Kathy L. Osborn  
Ryan M. Hurley  
Anna Marie Behrmann  
FAEGRE DRINKER BIDDLE & REATH LLP  
300 N. Meridian St., Suite 2500  
Indianapolis, IN 46204  
(317) 237-8261  
kathy.osborn@faegredrinker.com  
ryan.hurley@faegredrinker.com  
anna.behrmann@faegredrinker.com

Colby Anne Kingsbury  
FAEGRE DRINKER BIDDLE & REATH LLP  
311 S. Wacker Dr., #4400  
Chicago, IL 60606  
(312) 212-6573  
colby.kingsbury@faegredrinker.com

Jeffrey S. Roberts  
Joshua P. Mahoney  
FAEGRE DRINKER BIDDLE & REATH LLP  
1144 15th Street, Suite 3400  
Denver, CO 80203  
(303) 607-3500  
jeff.roberts@faegredrinker.com  
joshua.mahoney@faegredrinker.com

*Counsel for Defendants Delta Plan of Arkansas, Inc., Delta Dental of Indiana, Inc., Delta Dental of Kentucky, Inc., Delta Dental Plan of Michigan, Inc., Delta Dental Plan of New Mexico, Inc.,*

/s/ Britt M. Miller

Britt M. Miller  
Daniel K. Storino  
MAYER BROWN LLP  
71 South Wacker Drive  
Chicago, IL 60606  
(312) 782-0600  
bmiller@mayerbrown.com  
dstorino@mayerbrown.com

Mark W. Ryan  
MAYER BROWN LLP  
1999 K Street NW  
Washington, DC 20006  
(202) 263-3000  
mryan@mayerbrown.com

*Counsel for Defendants Delta Dental Plans Association, DeltaUSA, Delta Dental of Connecticut Inc., Delta Dental Plan of Idaho, Inc. d/b/a Delta Dental of Idaho, Dental Service of Massachusetts, Inc. d/b/a Delta Dental of Massachusetts, Delta Dental of Missouri, Delta Dental of New Jersey, Inc., Oregon Dental Service d/b/a Delta Dental of Oregon, Delta Dental of South Dakota, Delta Dental of Washington, and Delta Dental Plan of Wyoming d/b/a Delta Dental of Wyoming*

*Delta Dental of North Carolina, Delta Dental  
Plan of Ohio, Inc., and Delta Dental of Tennessee*

/s/ Benjamin W. Hulse

Jerry W. Blackwell  
Benjamin W. Hulse  
Gerardo Alcazar  
BLACKWELL BURKE P.A.  
431 South Seventh Street  
Suite 2500  
Minneapolis, MN 55415  
612-343-3200  
blackwell@blackwellburke.com  
bhulse@blackwellburke.com  
galcazar@blackwellburke.com

Lori Swanson  
Mike Hatch  
SWANSON HATCH, P.A.  
431 South 7th Street  
Suite 2545  
Minneapolis, MN 55415  
612-315-3037  
lswanson@swansonhatch.com  
mhatch@swansonhatch.com

*Counsel for Defendants Delta Dental of  
Minnesota and Delta Dental of Nebraska*

/s/ David E. Dahlquist

David E. Dahlquist  
WINSTON & STRAWN LLP  
35 W. Wacker Drive  
Chicago, IL 60601-9703  
312-558-5600  
ddahlquist@winston.com

*Counsel for Defendants Arizona Dental Insurance  
Service, Inc. d/b/a Delta Dental of Arizona,  
Hawaii Dental Service, Delta Dental of Iowa,  
Delta Dental of Kansas Inc., Maine Dental  
Service Corporation d/b/a Delta Dental Plan of  
Maine, Delta Dental Plan of New Hampshire,  
Inc., Delta Dental Plan of Oklahoma, Delta*

/s/ Howard Ullman

Stephen V. Bomse  
Russell P. Cohen  
Howard Ullman  
Nicole Gelsomini  
ORRICK HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105  
415-773-5700  
sbomse@orrick.com  
rcohen@orrick.com  
hullman@orrick.com

Emily Luken  
ORRICK HERRINGTON & SUTCLIFFE LLP  
Columbia Center  
1152 15th Street, N.W.  
Washington, D.C. 20005  
202-339-8400  
eluken@orrick.com

Brian Joseph Murray  
Timothy D. Elliot  
RATHJE WOODWARD LLC  
300 E. Roosevelt Road  
Suite 300  
630-668-8500  
Wheaton, IL 60187  
bmurray@rathjewoodward.com  
telliott@rathjewoodward.com

*Counsel for Defendants Delta Dental  
Insurance Company, Delta Dental of  
California, Delta Dental of Delaware, Delta  
Dental of the District of Columbia, Delta  
Dental of New York, Delta Dental of  
Pennsylvania, Delta Dental of Puerto Rico,  
and Delta Dental of West Virginia*

/s/ Scott D. Stein

Scott D. Stein  
Colleen M. Kenney  
SIDLEY AUSTIN LLP  
One South Dearborn Street

*Dental of Rhode Island, and Delta Dental Plan of Vermont, Inc.*

/s/ Allison W. Reimann

Allison W. Reimann  
Kevin O'Connor  
GODFREY & KAHN, S.C.  
One East Main Street  
Suite 500  
Madison, WI 53703  
608-257-3911  
areimann@gklaw.com  
koconnor@gklaw.com

*Counsel for Defendant Delta Dental of Wisconsin, Inc.*

Chicago, IL 60603  
(312) 853-7000  
sstein@sidley.com  
ckenney@sidley.com

*Counsel for Defendants Colorado Dental Service, Inc. d/b/a Delta Dental of Colorado, Delta Dental of Illinois, and Delta Dental of Virginia*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2020, I caused a true and correct copy of the foregoing DEFENDANTS' NOTICE OF RELATED CASE to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of E-Filing" to the attorneys of record in this case.

/s/ Britt M. Miller

Britt M. Miller